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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,915	11/29/2001	Bhupesh Gupta	AUS920010888US1	6707

7590

08/31/2004

Mr. Volel Emile  
P.O. Box 202170  
Austin, TX 78720-2170

EXAMINER
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SAIN, GAUTAM

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/997,915	GUPTA, BHUPESH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gautam Sain	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/29/01.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓                      | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/01</u> ✓   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

- 1) 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 1-1) Claims 1-8, 17-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Claims 1-8, 17-24 set forth non-functional descriptive material but fail to set forth physical structures or materials comprising of hardware or a combination of hardware and software within the technological arts (ie., a computer) to produce a “useful, concrete and tangible” result. For example, claims 1 and 8, the “method” and “apparatus” reads on a mental construct/abstract idea or at best a computer program program per se. The language such as “categorizing”, “bookmarking”, “web page”, etc., does not clearly define structural elements and are not tangibly embodied on a computer readable medium. Claims 1-8, 17-24 are interpreted as software per se, abstract ideas or mental construct and not tangibly embodied computer readable medium or hardware.

### ***Claim Rejections - 35 USC § 102***

- 2) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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**2-1) Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Burke (US 6032162, issued Feb 29, 2000).**

**Regarding claims 1, 9, 17, 25,** Burke teaches determining ... on a server (ie., URL file to identify HTML tags for type indicators to see if it belongs to previously stored category)(col 4, line 65 – col 5, lines 20).

Burke teaches downloading ... a category (ie., bookmarks previously stored ... sub-category of topics ... stock prices ...)(col 5, lines 8-24; col 7, lines 10-15).

Burke teaches creating ... name (ie., bookmarks categorized by theme/topic under master set of themes/topics)(col 5, lines 8-24).

Burke teaches storing ... sub-folder (ie., collates and merges set of bookmarks)(col 5, lines 8-24).

**Regarding claims 2, 10, 18, 26,** Burke teaches determining ... creating the sub-folder (ie., determining if previously stored file of bookmarks does not exists, then controller creates a file)(col 5, lines 54-60).

**Regarding claim 3, 11, 19, 27,** Burke teaches if there already ... not created (ie., controller collates in designated files – which encompass sub-categories)(col 5, lines 8-20).

**Regarding claims 4, 12, 20, 28,** Burke teaches if the Web page ... sub-folder (ie., for a file where a bookmark does not exist, the controller stores the collated non-merged bookmarks in the created file with only user identification information)(col 5, lines 54-61).

**Regarding claims 5, 13, 21, 29,** Burke teaches if the Web page ... assigned a category (ie., user can select and transfer data from bookmarks stored in the downloaded system which is requested by the user using the URL and the system returns the file and corresponding information)(col 6, lines 15-23).

**Regarding claims 6, 14, 22, 30,** Burke teaches after web page has been assigned a category ... default sub-folder (ie., the downloaded bookmark has a theme or topic which is more than the default useid and password file)(col 5, lines 10-20; lines 54-60).

**Regarding claims 7, 15, 23, 31,** Burke teaches determining ... creating the sub-folder (ie., determining if previously stored file of bookmarks does not exists, then controller creates a file)(col 5, lines 54-60).

**Regarding claims 8, 16, 24, 32,** Burke teaches if there already ... existed sub-folder (ie., previously stored file with theme and topic)(col 5, lines 8-20).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 703-305-8777. The examiner can normally be reached on M-F 9-5 EST.

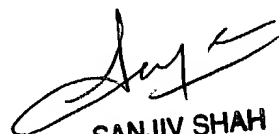
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703)305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GS

GS

  
SANJIV SHAH  
PRIMARY EXAMINER

Best Available Copy